

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.1034 of 2005
IN
WRIT PETITION NO. 2209 OF 2005

Dr.Rajesh Kharat .. Appellant
versus
The University of Mumbai & ors .. Respondents

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Mr.Mihir Desai for the Appellant.
Mr.P.M.Palshikar for the Respondent no.1
Mrs Madhubala Kajale, Government Pleader for the
Respondent nos. 2,3 and 5.

CORAM : R.M. LODHA AND
D.G. KARNIK, JJ
DATED : 22nd November 2005.

P.C.:

Heard.

2. As per the advertisement dated 4th March 1997 published by University of Mumbai, Special Recruitment Drive for Backward Classes for the post of Reader, the qualification provided was Good academic record with a doctoral degree or equivalent published work.

3. The appellant was appointed to the post of Reader vide appointment letter dated 19th November 1998 in the Selection process pursuant to the aforesaid advertisement. There was the complaint that he did not fulfil the eligibility. In the enquiry held by the University of Mumbai, the appointment of petitioner as Reader in Politics was recommended to be terminated. The Chancellor of the University passed the order on 8th February 2001 and consequent thereupon the Vice Chancellor passed the order on 14th February 2001 terminating the services of the appellant. The appellant challenged the order by filing appeal before the University Tribunal. The appeal came to be dismissed on 22nd July 2005. Aggrieved thereby, the appellant filed Writ Petition that came to be dismissed by the learned Single Judge on 4th October 2005 giving rise to the present

appeal.

4. Mr.Mihir Desai, the learned counsel for the appellant did not dispute that on the date of selection, the appellant did not possess any doctoral degree. However, he submitted that the appellant had published work equivalent to doctoral degree before his selection and, therefore, the appellant was eligible.

5. It appears from the available material that the book authored by the appellant was available for sale and distribution in the year 1999. That the book was actually published in the year 1999 is apparent from the book itself as it mentioned year of Copyright 1999. The explanation that the year 1999 was mentioned to enhance the shelf life of the book hardly merits acceptance. Moreover, the appellant failed to establish that the book authored by him was equivalent to doctoral degree. We, thus, concur with the view of the Bombay University and College Tribunal as well as the learned Single Judge that the appellant did not hold the requisite qualification for the appointment to the post of Reader in the Department of Civics and Politics. His selection to

the said post by the selection committee was bad-in-law and rightly set aside by the University.

6. No interference is called for in the impugned order. Appeal is dismissed in limine.

(R.M. LODHA, J)

(D.G. KARNIK, J)